



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/624,778

07/22/2003

William A. Briesse

15-748D1

6784

28060

7590

08/08/2007

TAROLLI, SUNDHELM, COVELL & TUMMINO, LLP  
1300 EAST NINTH STREET  
SUITE 1700  
CLEVELAND, OH 44114

EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

1762

MAIL DATE

DELIVERY MODE

08/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/624,778	Applicant(s) BRIESE ET AL.	
	Examiner Alain L. Bashore	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-29 and 46-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-57 is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 52 is objected to because of the following informalities: On line 4, "the nozzle" should be "a nozzle". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3 Claims 16-18, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al.

Crumbach et al discloses a method of controlled dispensing of a material along a length of an elongated window component. The component is moved along a path of travel relative to a material dispensing nozzle at a controlled speed. Bulk supply is present as is the inlet of a metering pump having an outlet coupled to the nozzle to dispense the material from the nozzle into contact with a surface of the elongated window component. The speed of the metering pump is regulated to control the rate of flow of the dispensed material from the nozzle. The pressure of the material is

Art Unit: 1762

monitored and regulated with pressure transducers before the material is dispense from the nozzle.

Crumbach et al does not explicitly use the word “delivering” when describing movement from the material from the bulk supply to an inlet of the metering pump. It would have been obvious to one with ordinary skill in the art to “deliver” the material because Crumbach teaches connection between the bulk supply and the inlet (see fig 1).

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al as applied to claims above, and further in view of Manser.

There is not disclosed presenting a user interface which allows the user to adjust input parameters for dispensing material from the nozzle.

Manser discloses a user interface which allows the user to adjust input parameters for dispensing material from the nozzle (col 4, lines 30-39).

It would have been obvious to one with ordinary skill in the art to include a user interface which allows the user to adjust input parameters for dispensing material from the nozzle because Manser teaches variations of window components that may require input parameter changes for coating.

5. Claim 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al as applied to claims above, and further in view of Schuler.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Manser, and further in view of Schuler.

There is not disclosed where the elongated window component is a U-shaped spacer frame, where the input parameter is a width of the spacer frame.

Schuler discloses the elongated window component is a U-shaped spacer frame (7).

It would have been obvious to one with ordinary skill in the art to include the elongated window component is a U-shaped spacer frame, where the input parameter is a width of the spacer frame because Schuler teaches spacer frames as another type of window component requiring coating.

6. Claims 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al as applied to claims above, and further in view of Mercier et al ('522).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Manser, and further in view of Mercier et al ('522).

There is not disclosed periodically stopping dispensing, the speed of metering pump dependant on conveyer speed, and input parameters include acceleration and deceleration of the pump.

Mercier et al ('522) discloses operation interruptions (col 1, lines 60-67).

It would have been obvious to one with ordinary skill in the art to include periodically stopping dispensing, the speed of metering pump dependant on conveyer speed, and input parameters include acceleration and deceleration of the pump because Mercier et al ('522) teaches interruptions that affect production.

7. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al as applied to claims above, and further in view of Lisec.

There is not disclosed speed of metering dependant on type of elongated window component, desired thickness, spacer width.

Lisec discloses disclosed speed of metering dependant on type of elongated window component, desired thickness, spacer width (col 3, lines 63-68; col 4, lines 1-18).

It would have been obvious to one with ordinary skill in the art to include speed of metering dependant on type of elongated window component, desired thickness, spacer width because Lisec teaches compensation for changes required (col 3, lines 1-37).

***Allowable Subject Matter***

8. Claims 46-57 are allowed.

***Response to Arguments***

9. Applicant's arguments filed 5-11-07 have been fully considered but they are not persuasive regarding claim 16. Applicant argues that Dashevsky only discloses a "planar" coating substrate. Claim 16 is not limited to a non-planar coating substrate. It is noted that the reference to Manser teaches variations of window components. The reference to Crumbach has been dropped from the final rejection.

***Conclusion***

**10. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1762

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 1762

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/  
Primary Examiner  
Art Unit 1762